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dba THE COSMOPOLITAN OF LAS VEGAS*

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

NEVADA PROPERTY 1 LLC dba THE
COSMOPOLITAN OF LAS VEGAS, a
Delaware limited liability company,

Plaintiff,

v.

MICROSOFT CORPORATION, a
Washington Corporation,

Defendant.

CASE NO.: 2:21-cv-01088-JCM-DJA

**STIPULATION AND ORDER TO
WITHDRAW, WITHOUT PREJUDICE,
DEFENDANT’S MOTION TO DISMISS
(ECF NO. 9) OR IN THE ALTERNATIVE
MOTION TO TRANSFER VENUE (ECF
NO. 7)**

Plaintiff, Nevada Property 1 LLC dba The Cosmopolitan of Las Vegas, (“The Cosmopolitan”), and Defendant Microsoft Corporation (“Microsoft”), by and through their respective counsel of record, hereby stipulate and agree to Microsoft's withdrawal, without prejudice, of Defendant’s Motion to Dismiss (ECF No. 9) or in the Alternative Motion to Transfer Venue (ECF No. 7) (collectively the “Motion”).

The Motion was filed on June 29, 2021.

While the Motion was pending, Plaintiff filed its Amended Complaint on July 20, 2021 (ECF NO. 14).

The parties agree that the Amended Complaint moots the Motion to Dismiss.

1 However, in an abundance of caution, and without prejudice to Defendant refiling a motion
 2 to transfer or a new motion to dismiss, the parties have entered into this stipulation and hereby
 3 stipulate that the Motion be withdrawn, without prejudice, to be re-filed at a later date.

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6 */s/ Mitchell J. Langberg*

/s/ Janine C. Prupas

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 10 *PROPERTY I LLC dba THE*
 11 *COSMOPOLITAN OF LAS VEGAS*

Attorneys for Defendant, Microsoft Corporation

12 Dated this 26th day of July 2021.

Dated this 26th day of July, 2021.

13 **ORDER**

14 **IT IS SO ORDERED.**

15 
 16 U.S. DISTRICT COURT JUDGE

17 DATED: July 28, 2021
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